

"If the traverse was inadequate, the examiner should include an explanation of why it was inadequate." 2144.03C, last sentence.

The examiner's attention is drawn to 2144.03C citation of In re Zurko (2001) in which the Supreme Court remanded the case to the Federal Circuit, which reversed the Board's judgment based on "good common sense" and "basic knowledge" and "unsupported assessment of the prior art," holding "The board [or examiner] must point to some concrete evidence in the record in support of these findings to satisfy the substantial evidence test."

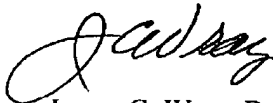
Rule 1.104(d)(2) as noted in 2144.03C requires:

When a rejection in an application is based on facts within the personal knowledge of an employee of the Office, the data shall be as specific as possible, and the reference must be supported, when called for by the applicant, by the affidavit of such employee, and such affidavit shall be subject to contradiction or explanation by the affidavits of the applicant and other persons.

CONCLUSION

Reconsideration and allowance are requested.

Respectfully,



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